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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,405	02/12/2001	Clemente Izurieta	10006526-1	1881

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

2

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,405

Applicant(s)

IZURIETA, CLEMENTE

Examiner

Insun Kang

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is in response to the application filed 2/12/2001.
2. Claims 1-19 are pending in the application.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it is not in narrative form (see the first and last sentences). Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1 and 9 are objected to because of the following informalities: Per claim 1, in line 8, "a mapping software," needs to be changed to "mapping software" and "non-objected oriented" to "non-object oriented." Per claim 9, "a object oriented model," needs to be changed to "an object oriented model" or "the object oriented model." Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "substantial" in claims 1, 4 and 12 is a relative term, which renders the claim indefinite. The term "substantial" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Appropriate correction is required.

As per claims 2, 3, 5-11 and 13-19, these claims are objected for dependency on the above rejected parent claims 1, 4 and 12.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2124

10. Claims 1-7, 9-15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,305,007 to Mintz.

Per claim 4:

Mintz teaches:

-loading memory with non-object oriented data ("The new property pages interact with the legacy data structures via classes which descend from the base wrapper," col 4 lines 1-34)

- mapping an object oriented model onto a memory space occupied by the non-object oriented data without requiring substantial additional memory space ("Inheritance and dynamic casting in C++ are used to accomplish this in one embodiment," col 3 lines 15-35)

- retrieving a non-object oriented data element from the memory in the object oriented model ("The new property pages interact with the legacy data structures via classes which descend from the base wrapper," col 4 lines 1-34; "This class is inherited from the base wrapper class (so as to be able to access the property page framework) and the policy class associated with each property that needs manipulation," col 4 lines 30-34; see also col 6 lines 22-31; col 4 lines 60-67)

Per claim 5:

The rejection of claim 4 is incorporated, and further, Mintz teaches inheriting the non-object oriented data from memory ("Inheritance and dynamic casting in C++ are used to accomplish this in one embodiment," col 3 lines 15-35)

Per claim 6:

The rejection of claim 5 is incorporated, and further, Mintz teaches creating a class from the non-object oriented data ("The new property pages interact with the legacy data structures via classes which descend from the base wrapper," col 4 lines 1-34)

Per claim 7:

The rejection of claim 6 is incorporated, and further, Mintz teaches instantiating an instance of the class (col 3 lines 57-67; col 4 lines 8-20).

Per claim 9:

The rejection of claim 4 is incorporated, and further, Mintz teaches accessing the non-object oriented data using an object oriented model ("Inheritance and dynamic casting in C++ are used to accomplish this in one embodiment," col 3 lines 15-35)

Per claim 10:

The rejection of claim 4 is incorporated, and further, Mintz teaches that the step of retrieving occurs with zero size memory ("Inheritance and dynamic casting in C++ are used to accomplish this in one embodiment," col 3 lines 15-35).

Art Unit: 2124

Per claim 11:

The rejection of claim 4 is incorporated, and further, Mintz teaches that the non-object oriented data are stored within a legacy data structure ("during the manipulation of legacy "C" data structures," col 5 lines 1-9)

Regarding claims 1-3, they are the apparatus having a mapping software versions of claims 4, 10 and 11, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 4, 10 and 11 above.

Regarding claims 12-15 and 17-19, they are another method versions of claims 4-7 and 9-11, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 4-7 and 9-11 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,305,007 to Mintz.

Per claim 8:

The rejection of claim 7 is incorporated, and further, Mintz does not explicitly teach instantiating through static casting. However, Official Notice is taken that static casting was known in the art of computer software at the time applicant invention was made. It would have been obvious for one of ordinary skill in the art of software to implement Mintz's disclosed method of accessing legacy data using static casting. The modification would be obvious because one of ordinary skill in the art would be motivated to instantiate an object through static casting because it can be used to perform conversions explicitly defined in classes, as well as between fundamental types and it permits casting a pointer of a derived class to its base class implicitly as well as to cast the inverse even if this is not allowed implicitly without checking the base class being casted to determine whether this is a complete class of the destination type or not.

Per claim 16, the rejection of claim 15 is incorporated, further, this is another method version of claim 8, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 8 above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IK
2/18/2004

Kakali Chaki

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